

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-10677

Olympia Levinson Stiegele, et al

v.

Bernard C. Bailey, et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:


1-26, 28-46

and contained in I & II Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/21/2007.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on October 24, 2007.

Sarah A Thornton, Clerk of Court

By:


Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 10/25/07.


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10677-MLW**

Stiegele v. Bailey et al
Assigned to: Chief Judge Mark L. Wolf
Lead case: 1:05-cv-10438-MLW
Member cases:

1:05-cv-10615-MLW

1:05-cv-10578-MLW

1:05-cv-10725-MLW

1:05-cv-10537-MLW

1:05-cv-10498-MLW

Cause: 28:1332 Diversity-Breach of Fiduciary Duty

Date Filed: 04/06/2005
Date Terminated: 08/23/2007
Jury Demand: Plaintiff
Nature of Suit: 160 Stockholders Suits
Jurisdiction: Diversity

Plaintiff

Olympia Levinson Stiegele

represented by **Alan L. Kovacs**
Law Office of Alan L. Kovacs
2001 Beacon Street
Suite 106
Boston, MA 02135
617-964-1177
Fax: 617-332-1223
Email: alankovacs@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jennifer F. Sherrill
Federman & Sherwood
10205 N. Pennsylvania Avenue
Oklahoma City, OK 73120
405-235-1560
Fax: 405-239-2112
Email: jfs@federmanlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William B. Federman
Federman & Sherwood
10205 N. Pennsylvania
Oklahoma City, OK 73120
405-235-1560
Fax: 405-239-2112
Email: wfederman@aol.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

Bernard C. Bailey

represented by **Karen C Troake**
Choate, Hall & Stewart
Two International Place
100-150 Oliver Street
Boston, MA 02110
617-248-5192
Fax: 617-248-4000
Email: jmccarthy@choate.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchell H. Kaplan
Choate, Hall & Stewart
Two International Place
100-150 Oliver Street
Boston, MA 02110
617-248-5000
Fax: 617-248-4000
Email: mkaplan@choate.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John R. Baraniak, Jr.
Choate, Hall & Stewart
Two International Place
100-150 Oliver Street
Boston, MA 02110
617-248-2114
Fax: 617-248-4000
Email: jb@choate.com
ATTORNEY TO BE NOTICED

Defendant

Paul T. Principato

represented by **Karen C Troake**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchell H. Kaplan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John R. Baraniak, Jr.
(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Peter Nessen

represented by **Karen C Troake**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchell H. Kaplan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John R. Baraniak, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Thomas J. Reilly

represented by **Karen C Troake**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchell H. Kaplan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John R. Baraniak, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Denis K. Berube

represented by **Karen C Troake**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchell H. Kaplan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John R. Baraniak, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

B.G. Beck

represented by **Karen C Troake**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchell H. Kaplan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John R. Baraniak, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Charles E. Levine

represented by **Karen C Troake**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchell H. Kaplan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John R. Baraniak, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

William K. Aulet

represented by **Karen C Troake**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchell H. Kaplan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John R. Baraniak, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Viisage Technology, Inc.

represented by **Karen C Troake**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mitchell H. Kaplan
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John R. Baraniak, Jr.
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Harriet Mouchley-Weiss

represented by **John R. Baraniak, Jr.**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Marcel Yon

Date Filed	#	Docket Text
04/06/2005	<u>1</u>	COMPLAINT And Demand for Jury Trial against Charles E. Levine, William K. Aulet, Viisage Technology, Inc., Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Reilly, Denis K. Berube, B.G. Beck Filing fee: \$ 250, receipt number 63329, filed by Olympia Levinson Stiegele. (Attachments: # <u>1</u> # <u>2</u> Civil Cover Sheet)(Boyce, Kathy) (Entered: 04/12/2005)
04/06/2005		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings (Boyce, Kathy) (Entered: 04/12/2005)
04/06/2005		Summons Issued as to Charles E. Levine, William K. Aulet, Viisage Technology, Inc., Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Reilly, Denis K. Berube, B.G. Beck. (Boyce, Kathy) (Entered: 04/12/2005)
05/25/2005	<u>2</u>	Assented to MOTION for Leave to Appear Pro Hac Vice by William B. Federman by Olympia Levinson Stiegele. (Attachments: # <u>1</u> Affidavit of William B. Federman, Esq.)(Kovacs, Alan) (Entered: 05/25/2005)
05/25/2005	<u>3</u>	MOTION to Consolidate Cases by Olympia Levinson Stiegele. (Attachments: # (1) Text of Proposed Order)(Kovacs, Alan) Additional attachment(s) added on 6/23/2005 (O'Leary, Dennis). (Entered: 05/25/2005)
06/01/2005		Filing fee: \$ 50.00, receipt number 64611 regarding Document No. 2, Motion for leave to Appear Pro Hac Vice by William B. Federman (Boyce, Kathy) Modified on 12/1/2005 to correct the spelling of the last name of William B. Federman (Boyce, Kathy). (Entered: 06/02/2005)
06/23/2005	<u>4</u>	NOTICE of Appearance by Mitchell H. Kaplan on behalf of all defendants (Kaplan, Mitchell) (Entered: 06/23/2005)
06/23/2005	<u>5</u>	NOTICE of Appearance by Karen C Troake on behalf of all defendants





		(Troake, Karen) (Entered: 06/23/2005)
06/24/2005	<u>6</u>	STIPULATION <i>For Extension of Time to Respond to the Complaint</i> by Charles E. Levine, William K. Aulet, Viisage Technology, Inc., Olympia Levinson Stiegele, Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Reilly, Denis K. Berube, B.G. Beck. (Kaplan, Mitchell) (Entered: 06/24/2005)
07/11/2005	<u>7</u>	AFFIDAVIT <i>of Proof of Service</i> by Olympia Levinson Stiegele. (Attachments: # <u>1</u> Exhibit A)(Federman, William) (Entered: 07/11/2005)
07/26/2005	<u>8</u>	NOTICE of Change of Address by Alokmanda S. Bose <i>Choate, Hall & Stewart</i> (Attachments: # <u>1</u> Certificate of Service)(Bose, Alokmanda) (Entered: 07/26/2005)
11/16/2005	<u>9</u>	Judge Mark L. Wolf : Electronic ORDER entered granting <u>2</u> Motion for Leave to Appear Pro Hac Vice Added William B. Federman for Olympia Levinson Stiegele (O'Leary, Dennis) (Entered: 11/16/2005)
01/13/2006	<u>9</u>	Judge Mark L. Wolf : ORDER entered denying <u>3</u> Motion to Consolidate Cases establishing deadlines and setting a scheduling conference for 4/11/2006 at 3:00 PM. (Attachments: # <u>1</u>) (O'Leary, Dennis) (Entered: 01/19/2006)
02/13/2006	<u>10</u>	Assented to MOTION for Leave to File Excess Pages by Charles E. Levine, William K. Aulet, Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Reilly, Denis K. Berube, B.G. Beck.(Baraniak, John) (Entered: 02/13/2006)
02/13/2006	<u>11</u>	MOTION to Dismiss <i>Plaintiff's Verified Shareholder Derivative Complaint</i> by Charles E. Levine, William K. Aulet, Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Reilly, Denis K. Berube, B.G. Beck.(Baraniak, John) (Entered: 02/13/2006)
02/13/2006	<u>12</u>	MEMORANDUM in Support re <u>11</u> MOTION to Dismiss <i>Plaintiff's Verified Shareholder Derivative Complaint</i> filed by Charles E. Levine, William K. Aulet, Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Reilly, Denis K. Berube, B.G. Beck. (Baraniak, John) (Entered: 02/13/2006)
02/13/2006	<u>13</u>	AFFIDAVIT in Support of <i>Defendants' Motion to Dismiss Verified Shareholder Derivative Complaint</i> . (Attachments: # <u>1</u> Exhibit A (Part 1 of 5)# <u>2</u> Exhibit A (Part 2 of 5)# <u>3</u> Exhibit A (Part 3 of 5)# <u>4</u> Exhibit A (Part 4 of 5)# <u>5</u> Exhibit A (Part 5 of 5)# <u>6</u> Exhibit B# <u>7</u> Exhibit C) (Baraniak, John) (Entered: 02/13/2006)
02/14/2006	<u>14</u>	NOTICE issued requesting courtesy copy for <u>10</u> Assented to MOTION for Leave to File Excess Pages, <u>11</u> MOTION to Dismiss <i>Plaintiff's Verified Shareholder Derivative Complaint</i> , <u>12</u> Memorandum in Support of Motion,, <u>13</u> Affidavit in Support,, Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by 2/21/2006. These documents must be clearly marked as a Courtesy Copy and reflect the document number

		assigned by CM/ECF. (O'Leary, Dennis) (Entered: 02/14/2006)
03/12/2006	<u>14</u>	Assented to MOTION for Extension of Time to March 31, 2006 to File Response/Reply by Olympia Levinson Stiegele.(Kovacs, Alan) (Entered: 03/12/2006)
03/13/2006		Judge Mark L. Wolf : Electronic ORDER entered granting <u>14</u> Motion for Extension of Time to File Response/Reply re <u>14</u> Assented to MOTION for Extension of Time to March 31, 2006 to File Response/Reply (O'Leary, Dennis) (Entered: 03/13/2006)
03/22/2006		Civil Case Terminated. (Boyce, Kathy) (Entered: 03/22/2006)
03/31/2006	<u>15</u>	Opposition re <u>11</u> MOTION to Dismiss <i>Plaintiff's Verified Shareholder Derivative Complaint</i> filed by Olympia Levinson Stiegele. (Federman, William) (Entered: 03/31/2006)
04/03/2006		NOTICE issued requesting courtesy copy for <u>15</u> Opposition to Motion. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by 4/7/2006. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (O'Leary, Dennis) (Entered: 04/03/2006)
04/06/2006	<u>16</u>	Notice Cancelling Hearing. Hearing cancelled: Scheduling Conference set for 4/11/2006 at 3:00 PM (O'Leary, Dennis) (Entered: 04/06/2006)
04/26/2006	<u>17</u>	REPLY to Response to Motion re <u>11</u> MOTION to Dismiss <i>Plaintiff's Verified Shareholder Derivative Complaint</i> filed by Charles E. Levine, William K. Aulet, Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Reilly, Denis K. Berube, B.G. Beck. (Baraniak, John) (Entered: 04/26/2006)
04/26/2006	<u>18</u>	AFFIDAVIT in Support of <i>Defendants' Reply Memorandum in Support of Their Motion to Dismiss Plaintiff's Verified Shareholder Derivative Complaint</i> . (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E)(Baraniak, John) (Entered: 04/26/2006)
07/26/2006	<u>19</u>	AMENDED COMPLAINT against all defendants, filed by Olympia Levinson Stiegele.(Federman, William) (Entered: 07/26/2006)
07/28/2006		Case Reopened (case was inadvertently closed) (Boyce, Kathy) (Entered: 07/28/2006)
08/09/2006	<u>20</u>	Assented to MOTION for Extension of Time to September 15, 2006 to File Answer re <u>19</u> Amended Complaint by all defendants.(Baraniak, John) (Entered: 08/09/2006)
08/10/2006	<u>21</u>	Judge Mark L. Wolf : Electronic ORDER entered granting <u>20</u> Motion for Extension of Time to Answer Charles E. Levine answer due 9/15/2006; Marcel Yon answer due 9/15/2006; William K. Aulet answer due 9/15/2006; Viisage Technology, Inc. answer due 9/15/2006; Bernard C. Bailey answer due 9/15/2006; Paul T. Principato answer due 9/15/2006; Peter Nessen answer due 9/15/2006; Thomas J. Reilly answer due

		9/15/2006; Denis K. Berube answer due 9/15/2006; B.G. Beck answer due 9/15/2006. (O'Leary, Dennis) (Entered: 08/10/2006)
08/22/2006	<u>22</u>	WAIVER OF SERVICE Returned Executed Harriet Mouchley-Weiss waiver sent on 8/8/2006. answer due 10/10/2006. (Kovacs, Alan) (Entered: 08/22/2006)
09/12/2006	<u>23</u>	NOTICE of Change of Address by William B. Federman (Federman, William) (Entered: 09/12/2006)
09/14/2006	<u>24</u>	Joint MOTION for Briefing Schedule by all defendants.(Baraniak, John) Additional attachment(s) added on 9/14/2006 (Boyce, Kathy). Modified on 9/14/2006 to attach corrected pdf document (Boyce, Kathy). (Entered: 09/14/2006)
09/14/2006	<u>24</u>	Notice of correction to docket made by Court staff. Correction: Document No. 24, Joint Motion for Briefing Schedule corrected to attach correct pdf document to entry as an incorrect pdf document had inadvertently been e-filed (Boyce, Kathy) (Entered: 09/14/2006)
10/03/2006	<u>24</u>	Judge Mark L. Wolf : Electronic ORDER entered granting <u>24</u> Motion briefing schedule (O'Leary, Dennis) (Entered: 10/03/2006)
10/24/2006	<u>25</u>	Assented to MOTION to Continue of Time to File their Response to Plaintiffs' Amended Complaint and to File Over Length Memorandum in Support of their Motion to Dismiss Amended Complaint to 10/30/06 by all defendants.(Baraniak, John) (Entered: 10/24/2006)
10/25/2006	<u>25</u>	Judge Mark L. Wolf : Electronic ORDER entered granting <u>25</u> Motion to Continue (O'Leary, Dennis) (Entered: 10/25/2006)
10/30/2006	<u>26</u>	MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> by all defendants. (Baraniak, John) (Entered: 10/30/2006)
10/30/2006	<u>27</u>	AFFIDAVIT of John R. Baraniak, Jr. in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint in Support re <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by all defendants. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u>)(Baraniak, John) (Entered: 10/30/2006)
10/30/2006	<u>28</u>	MEMORANDUM in Support re <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by all defendants. (Baraniak, John) (Entered: 10/30/2006)
10/30/2006	<u>29</u>	MEMORANDUM in Support re <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by all defendants. (Baraniak, John) (Entered: 10/30/2006)
10/31/2006	<u>29</u>	ELECTRONIC NOTICE issued requesting courtesy copy for <u>28</u> Memorandum in Support of Motion, <u>29</u> Memorandum in Support of Motion, <u>27</u> Affidavit in Support of Motion., <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> . Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by 11/7/2006. These documents must be clearly

		marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (O'Leary, Dennis) (Entered: 10/31/2006)
11/27/2006	<u>30</u>	Assented to MOTION for Extension of Time to 12/13/2006 to File <i>Opposition to Defendants' Motion to Dismiss</i> by Olympia Levinson Stiegele.(Federman, William) (Entered: 11/27/2006)
11/28/2006	<u>30</u>	Judge Mark L. Wolf : Electronic ORDER entered granting <u>30</u> Motion for Extension of Time to File (O'Leary, Dennis) (Entered: 11/28/2006)
12/12/2006	<u>31</u>	MOTION for Extension of Time to January 12, 2007 to File Response/Reply as to <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> by Olympia Levinson Stiegele.(Federman, William) (Entered: 12/12/2006)
12/13/2006	<u>31</u>	Judge Mark L. Wolf : Electronic ORDER entered granting <u>31</u> Motion for Extension of Time to File Response/Reply re <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> Responses due by 1/12/2007 Replies due by 2/13/2007. (O'Leary, Dennis) (Entered: 12/13/2006)
01/09/2007	<u>32</u>	Assented to MOTION for Leave to File Excess Pages in <i>Memorandum of Law in Opposition to Defendants' Motion to Dismiss</i> by Olympia Levinson Stiegele.(Federman, William) (Entered: 01/09/2007)
01/10/2007	<u>32</u>	Judge Mark L. Wolf : Electronic ORDER entered granting <u>32</u> Motion for Leave to File Excess Pages (O'Leary, Dennis) (Entered: 01/10/2007)
01/12/2007	<u>33</u>	RESPONSE to Motion re <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by Olympia Levinson Stiegele. (Attachments: # <u>1</u> Exhibit A - Order dated 6/6/05)(Federman, William) (Entered: 01/12/2007)
01/16/2007	<u>33</u>	ELECTRONIC NOTICE issued requesting courtesy copy for <u>33</u> Response to Motion. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by 1/22/2007. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. (O'Leary, Dennis) (Entered: 01/16/2007)
01/26/2007	<u>34</u>	Letter to Chief Judge Wolf from Mitchell H. Kaplan, FILED. (Attachments: # <u>1</u> Attachment No. 1# <u>2</u> Attachment No. 2)(Boyce, Kathy) (Entered: 01/26/2007)
02/13/2007	<u>35</u>	REPLY to Response to Motion re <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by all defendants. (Baraniak, John) (Entered: 02/13/2007)
02/13/2007	<u>36</u>	AFFIDAVIT in Support re <u>35</u> Reply to Response to Motion to Dismiss <i>Amended Verified Shareholder Derivative Complaint</i> . (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D)(Baraniak, John) (Entered: 02/13/2007)
05/21/2007	<u>37</u>	NOTICE of Hearing on Motion <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> : Motion Hearing set for 8/13/2007 03:00 PM in

		Courtroom 10 before Chief Judge Mark L. Wolf. (O'Leary, Dennis) (Entered: 05/21/2007)
07/26/2007	<u>38</u>	ELECTRONIC NOTICE issued requesting courtesy copy for (93 in 1:05-cv-10438-MLW) Declaration. (92 in 1:05-cv-10438-MLW) Memorandum in Support of Motion, (95 in 1:05-cv-10438-MLW) Certificate of Service. (91 in 1:05-cv-10438-MLW) MOTION for Settlement, (94 in 1:05-cv-10438-MLW) Proposed Document(s) submitted, Proposed Document(s) submitted. Counsel who filed this document are requested to submit a courtesy copy of this document (or documents) to the Clerk's Office by 7/30/2007. These documents must be clearly marked as a Courtesy Copy and reflect the document number assigned by CM/ECF. Associated Cases: 1:05-cv-10438-MLW et al.(O'Leary, Dennis) (Entered: 07/26/2007)
07/27/2007	<u>38</u>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Jennifer F. Sherrill by Olympia Levinson Stiegele. (Attachments: # <u>1</u> Affidavit of Jennifer F. Sherrill, Esq.)(Kovacs, Alan) (Entered: 07/27/2007)
08/02/2007	<u>39</u>	NOTICE by Olympia Levinson Stiegele re <u>33</u> Response to Motion <i>Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A)(Federman, William) (Entered: 08/02/2007)
08/06/2007	<u>38</u>	Filing fee: \$ 50.00, receipt number 81623 for <u>38</u> Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Jennifer F. Sherrill (Boyce, Kathy) (Entered: 08/09/2007)
08/08/2007	<u>40</u>	Judge Mark L. Wolf : ORDER entered. The court has read the parties' submissions concerning defendants' motion to dismiss. While the parties cite cases for the relevant general standard for determining director independence under Delaware law, neither party cites cases applying or discussing that standard in circumstances analogous to the instant case. Accordingly, it is hereby ORDERED that: the parties shall, by August 10, 2007, at 12:00 noon, file supplementary memoranda addressing any cases relevant to the issue of independence in the context of the facts of this case or state that there are no such cases that the court should consider. (O'Leary, Dennis) (Entered: 08/08/2007)
08/10/2007	<u>41</u>	MEMORANDUM OF LAW by Olympia Levinson Stiegele to <u>40</u> Order... (Federman, William) (Entered: 08/10/2007)
08/10/2007	<u>42</u>	Supplemental MEMORANDUM in Support re <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by Charles E. Levine, Harriet Mouchley-Weiss, William K. Aulet, Viisage Technology, Inc., Bernard C. Bailey, Paul T. Principato, Peter Nessen, Thomas J. Reilly, Denis K. Berube, B.G. Beck. (Baraniak, John) (Entered: 08/10/2007)
08/13/2007	<u>43</u>	Clerk's Notes for proceedings held before Judge Mark L. Wolf : Motion Hearing held on 8/13/2007 re <u>26</u> MOTION to Dismiss <i>Plaintiff's Amended Complaint</i> filed by Harriet Mouchley-Weiss, Denis K. Berube, Viisage Technology, Inc., Thomas J. Reilly, Peter Nessen, B.G. Beck, Charles E. Levine, Paul T. Principato, William K. Aulet, Bernard C.

		Bailey, Marcel Yon. (Court Reporter O'Hara.) (O'Leary, Dennis) (Entered: 08/13/2007)
08/14/2007		Judge Mark L. Wolf : Electronic ORDER entered granting <u>38</u> Motion for Leave to Appear Pro Hac Vice Added Jennifer Sherrill for Olympia Levinson Stiegele. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov . Select Forms and then scroll down to CM/ECF Forms. (O'Leary, Dennis) (Entered: 08/14/2007)
08/23/2007	 <u>44</u>	Judge Mark L. Wolf : ORDER entered. MEMORANDUM AND ORDER. In view of the foregoing, defendants' motion to dismiss plaintiff's amended complaint is ALLOWED. (Docket No. 26).(O'Leary, Dennis) (Entered: 08/23/2007)
08/23/2007	 <u>45</u>	Judge Mark L. Wolf : ORDER entered. JUDGMENT in favor of Defendants against Plaintiff(O'Leary, Dennis) (Entered: 08/23/2007)
09/21/2007	 <u>46</u>	NOTICE OF APPEAL as to <u>44</u> Memorandum & ORDER by Olympia Levinson Stiegele Filing fee \$ 455, receipt number 1675414 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals.Appeal Record due by 10/11/2007. (Federman, William) (Entered: 09/21/2007)